

OCT 27 2015

David J. Bradley, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXASUNITED STATES OF AMERICA
V.
Maximino MORALES-Quiroz

CRIMINAL COMPLAINT

Case Number: C-15-1497M-1

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 10/26/2015 in Brooks County, in the
(Date)

Southern District of Texas defendant(s) **Maximino MORALES-Quiroz**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the
following facts: Official Title

See Attached Affidavit of U.S. Border Patrol Agent **Warren Thompson**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

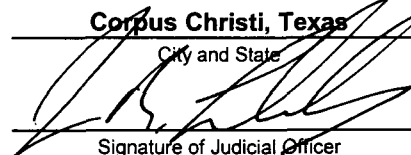

Signature of Complainant

Warren Thompson
Printed Name of Complainant

Sworn to before me and signed in my presence,
and probable cause found on:

October 27, 2015
Date
Jason B. Libby, U.S. Magistrate Judge
Name and Title of Judicial Officer

at

Corpus Christi, Texas
City and State

Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

SYNOPSIS:

On October 26, 2015, Maximino MORALES-Quiroz was apprehended in the Los Hermanos Ranch east of Falfurrias, Texas. MORALES, a United States Citizen, was arrested for attempting to smuggle eleven illegal aliens by walking in the brush and circumventing the United States Border Patrol Checkpoint.

FACTS/PROBABLE CAUSE:

On October 26, 2015 Border Patrol Agents (BPAs) working in the Falfurrias area responded to a Drawbridge camera activation in the Los Hermanos Ranch, east of Falfurrias, Texas. The still picture from the camera showed two subjects. These subjects were suspected of being illegal aliens due to the area they were walking in (large, desolate ranch area).

BPAs responded to the ranch and also requested assistance from Air National Guard helicopter "Liberty." The first BPAs to arrive to the camera location were Luis Gudino and Emmanuel Castillo. Upon arrival, the BPAs observed footprints of multiple subjects walking northbound through the ranch. The Liberty unit began scanning the area north of the BPAs with thermal imaging night vision equipment. The thermal equipment allows the crew of the helicopter to pick up body heat being generated from subjects on the ground.

At approximately 3:30 a.m., Liberty advised us that he had visual on multiple subjects attempting to hide in the brush. The subjects were located north of the tracking BPAs, and approximately 1.5 miles south of U.S. Highway 285. A few minutes later, four of the subjects began moving in a northerly direction through the brush. BPAs Gudino and Castillo pursued the four subjects and were able to apprehend them. Liberty then directed BPAs in to the locations of eight other subjects that were attempting to hide in the surrounding brushy areas. A total of twelve subjects were apprehended, in the Los Hermanos Ranch.

While conducting immigration inspections of the twelve subjects, one of them claimed to be a United States Citizen born in Brownsville, Texas. The subject, later identified as MORALES-Quiroz, Maximino, was apprehended by BPA Abel Quintana. MORALES also admitted that he had been apprehended in the brush by BPAs on previous occasions. All subjects were transported to the Falfurrias Border Patrol Station for processing.

MIRANDA RIGHTS WARNING:

At the station, MORALES was advised of his Miranda Rights via Service Form I-214. MORALES signed the form and advised that he was willing to answer questions.

STATEMENT BY DEFENDANT:

MORALES provided a sworn statement and provided the following information. He was guiding this group through the brush with another subject named Pedro Gutierrez. MORALES claims

Gutierrez is the main brush guide and he was only assisting him. He claims to have worked with Gutierrez on multiple occasions before. MORALES knew the subjects he was guiding through the brush were illegal, and claims he was doing it because someone in Mexico kidnapped a relative of his and threatened to kill the relative if MORALES did not help guide this group.

MIRANDA RIGHTS WARNING:

Smuggled alien Ulises RUIZ-Campos was provided his Miranda Rights (I-214) by Border Patrol Agent Rafael Guzman. RUIZ acknowledged understanding of his rights and agreed to provide a statement to Border Patrol Agents.

STATEMENT OF MATERIAL WITNESS:

Ulises RUIZ-Campos stated that he crossed the river into the United States from Mexico on or about the 22nd of October. RUIZ was taken to a house and stayed for several days. RUIZ was then picked up by a truck and transported up the highway. RUIZ was dropped off with other subjects and guided through the brush around the checkpoint. RUIZ stated that a subject guided the group through the brush. RUIZ was provided with a photo-spread and positively identified Maximino MORALES-Quiroz as the subject that guided the group. RUIZ stated that MORALES gave instructions to the group while they were walking through the brush. RUIZ also stated that he told MORALES his leg was injured and he could not walk any longer, but MORALES told him to keep up or get left behind.

MIRANDA RIGHTS WARNING:

Smuggled alien Roberto JUAREZ-Ruiz was provided his Miranda Rights (I-214) by Border Patrol Agent Juan Martinez. JUAREZ acknowledged understanding of his rights and agreed to provide a statement to Border Patrol Agents.

STATEMENT OF MATERIAL WITNESS:

Roberto JUAREZ-Ruiz admitted to crossing into the United States illegally on or about a week prior to his arrest. JUAREZ stated that he was driven north in a truck and dropped off on the side of the highway. JUAREZ then traveled with a group of illegal aliens through the brush to circumvent the checkpoint. JUAREZ stated that a male subject that was in the truck with him was also apprehended. JUAREZ stated that the male subject stated that if he continued to walk slowly that he would be left behind. JUAREZ was able to identify the subject as Maximino MORALES-Quiroz from a photo spread. He could not specifically say that MORALES was the brush guide, but he advised that MORALES would move from the front to the group to the back throughout the walk.

SMUGGLED ALIEN STATEMENTS:


The remaining smuggled aliens were interviewed and provided no exculpatory statements. None were able to positively identify Maximino MORALES-Quiroz as the brush guide.

NOTE:

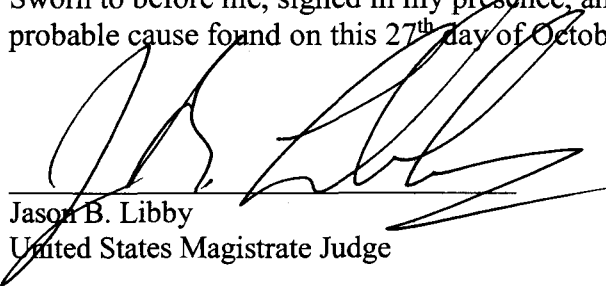
MORALES has five prior arrest involving alien smuggling. MORALES was not prosecuted for any of these cases due to being a minor at the time of arrest. On May 3, 2014 MORALES was apprehended north of FM 755 smuggling 12 undocumented aliens. On this occasion MORALES admitted he was working as a brush guide and was to be paid \$1,000 for smuggling the subjects to Houston, Texas.

DISPOSITION:

The facts of this case were presented to Assistant United States Attorney Kenneth Cusick who accepted Maximino MORALES-Quiroz for prosecution of 8 USC 1324, Alien Smuggling. Roberto JUAREZ-Ruiz and Ulises RUIZ-Campos were held as material witnesses in this case.


Warren Thompson Border Patrol Agent

Sworn to before me, signed in my presence, and
probable cause found on this 27th day of October 2015


Jason B. Libby
United States Magistrate Judge